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October 13, 2020

VIA ECF

Hon. Andrew L. Carter Jr.
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan
500 Pearl St. Courthouse
Manhattan, New York

Re: *Mohammad Ammar Al-Bahloul v. The Republic of Tajikistan*,
Case No. 1:10-cv-09257-BSJ

Dear Judge Carter:

This law firm represents Mohammad Ammar Al-Bahloul ("Plaintiff") in this matter. Plaintiff submits this letter motion for relief pursuant to Fed. R. Civ. P. 62. Plaintiff, now judgment creditor, instituted this action on December 10, 2010 by filing its Application to Confirm Arbitral Awards pursuant to Section 203 of the FAA, 9 U. S.C. §203, which expressly confers original subject matter jurisdiction on this Court over proceedings falling under the Convention on Recognition and Enforcement of Foreign Arbitral Awards or the "New York Convention" of which Sweden (the seat of the arbitration) is a signatory. [ECF Doc. No. 1]. Plaintiff's Motion for Entry of a Default Judgment confirming the September 2, 2009 Partial Award on Jurisdiction and Liability and the June 8, 2010 Final Award by an arbitration panel of the Arbitration Institute of the Stockholm Chamber of Commerce was granted and Default Judgment was entered on April 19, 2011 ("Default Judgment"). [ECF Doc. No. 6].

On October 8, 2020, the Court granted Plaintiff's motion to convert the Default Judgment into U.S. currency and entered an Amended Default Judgment [ECF Doc. No. 15]. In response to Plaintiff's request for Abstract of Judgment, the Clerk provided the following notice on October 9, 2020, in relevant part: "The document cannot be issued until 30 days after judgment has been

cc: The Republic of Tajikistan (via certified mail to its embassy in the U.S.)

entered, see Fed. R. Civ. P. 62. (Amended judgment filed on 10/8/2020). Re-file after 30 days from entry of amended judgment.” Fed. R. Civ. P. 62 provides in relevant part: “(a) Automatic Stay. Except as provided in Rule 62(c) and (d), execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court orders otherwise.”

It is respectfully submitted that here good cause exists for ordering otherwise and no good reason bodes for an automatic stay in this case. *See, e.g., In re: USA Gymnastics v. Ace American Insurance Company, et al.*, 18-9108-RLM-11, 2020 WL 5833189, at *22 [Bankr SD Ind Sept. 29, 2020] (where “court finds that good cause exists for ordering otherwise”). First, the Default Judgment was entered in 2011, so the policy and purpose of Fed. R. Civ. P. 62 automatic stay has long been effectuated and satisfied. Second, the Default Judgement was the result of a confirmation of an earlier arbitration award. Third, the Default Judgment was entered upon Defendant’s default. This further bodes against further delay in enforcement of the Amended Default Judgment because Defendant has had ample notice of Plaintiff’s claims starting with the underlying arbitration award. Defendant has failed to appear or defend against them. And given the amount of time since the entry of the original Default Judgment, Defendant could suffer no prejudice or harm from the lifting of the automatic stay.

Accordingly, Plaintiff respectfully requests that the stay in effect under Fed. R. Civ. P. 62(a) with respect to the Amended Default Judgment be terminated effective immediately, allowing Plaintiff to proceed henceforth in executing upon and otherwise enforcing the Amended Default Judgment. Alternatively, Plaintiff respectfully requests that the stay in effect under Fed. R. Civ. P. 62(a) be shortened to 15 days.

For good cause shown, Plaintiff's request that the Rule 62(a) automatic stay of execution on the amended default judgment, ECF No. 15, and proceedings to enforce it be lifted is GRANTED.

Respectfully submitted,

CLARK HILL PLC

By: /s/Boris Brownstein
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SO ORDERED: 

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: 10/15/2020